



Electronic Identity Management Advisory Committee
Senator John C. Watkins, Chairman
Tuesday, September 17, 2013 1:00 p.m.
3 East, General Assembly Building

The Electronic Identity Management Advisory Committee met on September 17, 2013 in Richmond. As has become customary with this group, several interested members of the public participated in the meeting via teleconference. The purpose of the meeting was to continue discussion of potential legislation regarding liability for identity providers, proposed by Jeff Nigriny.

Senator Watkins began the meeting expressing apprehension that more individuals and entities had not provided comments on the proposed legislation. He also expressed concerns that the legislation would draw state agencies into some liability that it did not currently have.

Mr. Nigriny provided an overview of the proposal, and said that it was designed to as a safer way to provide security capabilities, and to provide some certainty in the field of electronic identity. There is not a large track record in this area, and many people are waiting to see what issues arise and how a court would interpret those issues. These legal concerns have precluded many entities from entering the marketplace. The proposal attempts to create some certainty where there currently is none.

Tom Smedinghoff, chair of the American Bar Association Identity Management Legal Task Force, offered his comments via teleconference. He said that he is concerned that the proposal is premature, and thought that liability might be best dealt with in a contract framework, as a one size approach may not work for all. He suggested that the trust frameworks should work out issues relating to bearing the costs for individual situations.

Questions also arose as to who in the Commonwealth was in the best position to approve credentialing. A representative from VITA indicated that this was not part of its core function, and would have a fiscal impact. Other entities indicated that no one has identified the entity in the Commonwealth responsible for identification.

Senator Watkins indicated that he did not think that the proposal was yet ripe for consideration by the 2014 Session of the General Assembly. Mr. Nigriny volunteered to draft a brief concerning his proposal. Senator Watkins also indicated that he would like to start a discussion concerning the feasibility of centralization in the Commonwealth of critical ID Management.
